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STATE OF MAINE

AN ACT TO PROVIDE FOR THE NOMINATION OF CANDIDATES OF POLITICAL PARTIES BY PRIMARY ELECTIONS

Adopted by the Qualified Voters of the State of Maine at a
Special Election held on the Eleventh Day of September
A. D. 1911, and on the twenty-eighth day of September
1911 proclaimed by the Governor, taking effect
thirty days after said proclamation; incor-
porating amendments to the same
adopted by the 76th Legislature

Prepared under the Direction of the Secretary of State



JANUARY 1, 1914

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TO VNU
ABSORBING

AN ACT to provide for nomination of candidates of political parties by primary elections.

Be it enacted by the People of the State of Maine, as follows:

Section 1. All nominations of candidates for any state or county office, including United States Senator, member of Congress and member of the state legislature, shall hereafter be made at and by primary elections to be held in accordance with the provisions of this act. The term "political parties," as used in this act, is hereby declared to mean such political parties as at the gubernatorial election next preceding any such primary election polled at least one per cent of the entire vote cast in the state for Governor. Nothing in this act shall be construed as preventing the nominations of candidates under section four of chapter six of the Revised Statutes.

What offices Primary applies to.

"Political Parties" in meaning of act.

Sect. 2. Not less than sixty nor more than ninety days before the third Monday in June of each year in which a state election is held biennially, the political parties aforesaid shall each hold a state convention with such basis of representation and at such time and place and with such requisites as to call thereof and notice therefor as the state committee of each such political party may determine. All such state conventions first to be held under this act shall be so called by the appropriate state committee in office when this act shall take effect. At any such state convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the state

Must Hold State Convention.

Duties of Convention.

election then next ensuing, elect a state committee, a district committee for each congressional district, and a county committee for each county, severally of such number and to be elected in such manner as the convention may determine. The chairman and secretary shall thereupon forthwith certify to the Secretary of State the platform so adopted and the names of the members of the committees so elected. Such committees shall thereafterwards, as soon as reasonably practicable, organize by the choice of a chairman and secretary and certify such organization to the Secretary of State; they may elect all other officers deemed needful, hold office until their next state convention hereunder, and perform such duties as may be imposed upon them by their respective state conventions. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs and due certificate thereof made to the Secretary of State. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this act. All State, congressional, district and county committees in office when this act takes effect shall so continue in office until their successors are elected hereunder.

Nature of Committees.

Must Certify to Secretary of State.

Vacancies, how filled.

Municipal and Representative Class Committees.

Sect. 3. All the city, ward, town, plantation and representative class committees of the political parties aforesaid in office when this act takes effect shall be recognized as the lawful and regular committees of such political parties for such cities, wards, towns, plantations and representative classes. They shall continue to hold office until their successors are elected. Their successors shall be elected in such manner and with such tenure of office and duties, as the appropriate political party within such city, ward, town, plantation or representative class may from time to time determine. Each such committee shall fill all vacancies in its membership.

Sect. 4. All committees created, elected or recognized under sections two and three of this act shall be deemed to be regularly elected general or executive committees within the meaning of section eight of chapter six of the Revised Statutes and of all provisions of this act.

Nomination papers.

Sect. 5. Nominations for places on the ballots to be used at primary elections shall be made for each of the political parties entitled as aforesaid to representation thereon by nomination papers signed in the aggregate for each candidate of each polit-

ical party by qualified voters within the electoral division or district, wherein such candidate is to be voted for, in number not less than one per cent. nor more than two per cent. of the entire vote cast for governor in the last preceding state election in the state at large, if the office for which such candidate is to be voted for is to be filled by the voters of the state at large or is for the office of United States Senator, otherwise not less than one per cent. nor more than two per cent. of such gubernatorial vote within the electoral division or district wherein such proposed candidate is to be voted for. All such nomination papers shall besides containing the names of the proposed candidates specify as to each, first, the name of the office for which he is proposed as a candidate; second, the political party which he represents; third, his place of residence. There shall not be in any nomination paper the name of more than one candidate proposed for nomination. Nomination papers shall be signed by members of the political party named therein for which the nomination is made. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence. Each voter may subscribe his name to one nomination for a candidate for each office to be filled, and no more, except in cases where the office is to be filled by more than one person and in such cases only to the extent of such number. One of the signers to each such separate paper, or the person circulating the same, shall make oath thereon, or by certificate of oath annexed thereto, that he believes the signatures are genuine and that the persons signing are members of the political party named therein and that they reside within the electoral division or district for which the nomination is proposed. The State at large shall be considered an electoral division within the meaning of this section; provided, that nothing herein shall make it necessary for nomination papers for any candidate to be signed in the aggregate by qualified voters greater in number than ten per cent. of the last gubernatorial vote cast by the party of such candidate within the electoral division or district wherein such candidate is to be voted for.

Number of
Signers.

Must be signed by
members of same
political party.

Can sign only one
for same office.

Must make oath
signatures are gen-
uine.

Sect. 6. No such nomination papers shall be signed before the first day of January of the year in which such primary election is to be held and all such nomination papers shall be filed with the Secretary of State on or before the first Monday of May

Must not be signed
before Jan. 1 of
year of Primary.

Candidates must accept in writing.

May be amended under oath.

In case of death of candidate.

In case ballots have been printed how new name may be placed thereon.

Nomination papers open to public inspection.

of said year. With such nomination papers there shall also be filed the consent in writing of the persons so proposed thereby as candidates, agreeing to accept the nomination if nominated at the primary election, not to withdraw, and, if elected at the state election, to qualify as such officer. Such nomination papers so filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and, if not in apparent conformity they may be seasonably amended under oath. In case any person who has been duly proposed as a candidate under the provisions thereof shall die before the day of the primary election, or shall withdraw in writing, so that the nominations shall be less than the number of the candidates required to be voted for by law, the vacancy may be supplied in the manner herein provided for such original nomination; or, if the time is insufficient therefor, then the vacancy may be supplied by the appropriate committee of the state, district, county, city, town, plantation or representative class by which such office is to be elected. The certificates of nomination made for supplying such vacancy shall state, in addition to the other provisions required by this act, the name of the original candidate proposed, the facts causing the vacancy and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the chairman or secretary of the duly authorized committee, if the vacancy is filled by committee. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the Secretary of State, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

All nomination papers when filed shall forthwith be opened and kept open under proper regulations to public inspection and the Secretary of State shall preserve the same in his office not less than one year.

Sect. 7. Whenever at the regular session of the legislature next to meet after any primary election, so to be held as aforesaid biennially on the third Monday in June, one or more United States Senators are to be elected, the nominee, or nominees, for such office or offices of each political party shall be chosen at such primary election. Nominations therefor shall be made and filed as hereinbefore provided. Where but one United States Senator is so to be elected, the nomination papers and official ballot shall specify simply the office of United States Senator. When, however, two United States Senators are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated.

In case of pending election of U. S. Senator.

Sect. 8. Every ballot which shall be printed in accordance with the provisions of this act shall contain the names and residences of all candidates whose nominations have been duly proposed hereunder for any office specified in the ballot, and not withdrawn in accordance herewith, and the office for which they have been severally proposed through the nomination papers filed as aforesaid, and shall contain no other names. The order of offices shall be the same as in the regular September election, except that when nominations for United States Senators are to be made, said office of United States Senator shall be first on said ballots. The name of each person for whom as a candidate for nomination a valid nomination has been filed shall be printed on the ballot in but one place. The names of the candidates for nomination to each office shall be arranged under the designation of the office in alphabetical order, according to surnames. There shall be left at the end of each list of candidates for nomination to each office a blank space or spaces, in which the voter may write or paste the name or names of any person or persons not printed on the ballot for whom he desires to vote as a nominee or nominees for such office, the number of blank spaces so left to be equal to the number of nominees to be selected for such office. The ballot shall be printed so as to give each voter a clear opportunity to designate his choice for candidates for nomination by making a cross (X) to the right of the name of each candidate he wishes to vote for as a nominee to each office; and on the ballot shall be printed such words as will aid the voters to do this "Vote for one," "Vote for two," and the like. At the top of the ballot there shall be printed in capital letters, "Make a cross (X) in the square to the right of the name of the person you wish to vote for. Follow

How Ballot shall be printed.

Order of offices on ballot.

Arranged in alphabetical order.

May write in names not printed on ballot.

How voter must mark his ballot.

What must appear on the ballot.

directions as to the number of candidates to be marked for each office. Add names by writing or pasting stickers in blank spaces and mark cross (X) to right of such names. Do not erase names." The ballots shall be printed on tinted paper, of a separate tint for each political party, white for the party casting the highest vote for Governor at the last preceding state election, yellow for the second highest, blue for the third highest, green for the fourth highest, other colors for others if any, and brown for specimen or sample ballots. They shall be of uniform size for all political parties and folded before distribution in marked creases so as to be of uniform length and width and conceal the interior contents. On the back shall be printed so as to be visible when folded, "Official Nominating Ballot," followed by the designation of the polling place for which the ballot is prepared, the date of the primary election and a fac-simile of the signature of the Secretary of State.

Names must not be erased.

Designating color for each party.

Ballots of Uniform size.

Ballots, notices, etc., to be furnished by Secretary of State.

Sect. 9. All ballots, printed notices, sample ballots and cards of instructions shall be furnished by the Secretary of State, at the expense of the State, in the same manner as in the case of regular elections. All the expense of the calling and holding of the primary elections and the making and forwarding of the returns thereof shall be paid for by the municipalities. All other expenses hereunder shall be borne by the State.

Secretary of State shall furnish lists of candidates to be posted by town clerks.

Lists shall be advertised in newspapers.

Sect. 10. The Secretary of State shall fourteen days at least previous to the day of any primary election transmit to the clerks in each city, town and plantation printed lists containing the names, residences and party or political appellations of all candidates proposed for nomination as herein provided for such election and to be voted for at each polling place in each such city, town and plantation respectively substantially in the form of the ballot to be used therein; and the clerks shall immediately cause the lists for each plantation, town or ward, as the case may be, to be conspicuously posted in one or more public places in such plantation, town or ward. The Secretary of State shall likewise cause to be published prior to the day of any such election hereunder, in at least two newspapers, if there be so many, printed or published in each county, representing so far as practicable, the political parties which, at the preceding gubernatorial election, cast the largest and next largest number of votes, a list of all the nominations proposed, as herein provided

and to be voted for hereunder in such county, so far as may be in the form in which they shall appear upon the general ballots, New nominations proposed as hereinbefore provided, to fill vacancies, shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the Secretary of State to any clerk shall be duplicated on the succeeding day.

Sect. 11. Not less than seven days before the third Monday of June preceding a biennial state election, the selectmen of every town, by their warrant, shall notify and warn all legally qualified voters to attend at the regular voting places on the third Monday in June for the purpose of voting for persons to be nominated by their respective political parties as candidates to be voted for on the second Monday in September then next ensuing. Said warrant shall be in substance as follows:

Date of Holding
Primary Election.

PRIMARY ELECTION WARRANT.

State of Maine:

Form of Warrant.

County of ss.

To the legal voters of the town of

You are hereby notified that the primary election in this town, of all political parties, entitled by law to nominate candidates for the next election, will be held at on Monday, Junenext, for the purpose of nominating candidates for the following offices to be voted for at the election to be held on the second Monday in September next (and when such is the fact add "and for choice of candidate, or candidates, for United States Senator to be elected by the Legislature next to convene in regular session"), viz:

(Here follow the officers to be nominated.)

The polls will be open at twelve o'clock, noon, and continue open until nine o'clock in the afternoon, when they will close. (To be changed from nine o'clock to six o'clock in towns of three thousand inhabitants or less.)

Voters not enrolled as members of a political party entitled to nominate candidates will not be permitted to vote. But voters entitled to enrollment may cause themselves to be enrolled at the polling places during the primary election on taking and subscribing the oath required by law.

Enrollment blanks will be furnished by the town clerk on application.

Dated at.....this.....day of June, 19 .

.....

Selectmen of.....

Warrants how
 posted.

Such warrants shall be posted in the manner required by law for warrants for the state election. Like warrants shall be issued by the mayor and aldermen of cities and the assessors of plantations, with appropriate changes and posted in like manner. In plantations and towns of two thousand inhabitants or less the provisions as to enrolled voters and enrollment shall be omitted. The meetings shall be opened and closed as stated in the form of the warrant foregoing. In all such warrants appropriate provisions shall be inserted calling the attention of voters to opportunities for correction of lists of voters by selectmen, municipal officers or boards of registration in the manner required by law.

Qualification of
 voters, how de-
 termined.

Sect. 12. In all such primary elections the qualifications of voters in towns and cities of any size shall be determined by the lists of the voters used at the municipal elections in said towns and cities next preceding the primary election corrected as follows: In towns having five hundred or more registered voters and in all cities having less than four thousand inhabitants, the municipal officers shall exercise the powers enumerated in section forty of chapter five of the Revised Statutes except that applications shall be received only on the two secular days next preceding the day of the primary election. In towns having less than five hundred voters, the municipal officers shall exercise the powers of section forty-one of chapter five of the Revised Statutes. In cities having four thousand or more inhabitants the correcting of said lists shall be governed by chapter five of the Revised Statutes. In plantations the qualifications of voters, as aforesaid, shall be determined by the lists of voters used therein at the last preceding state election corrected in the manner provided by section forty-one of chapter five of the Revised Statutes.

Sect. 13. No person shall vote at any primary election unless a legally qualified voter at such voting place, as required by the preceding section, and, in all cities and in towns of two thousand

inhabitants or more, enrolled as qualified to vote in the caucuses of his political party in the manner provided by the general or special laws applicable to said cities, or any of them, or to said towns. The selectmen of towns and the wardens of wards in cities shall be seasonably furnished by the town or city clerk, or other official charged with the duty of preserving the same, with duly certified copies of all enrollment lists, arranging each political party separately and its names of voters therein alphabetically. If not therein enrolled any voter qualified by law and this act as a legal voter at such voting place, may be enrolled after subscribing and making oath before a ballot clerk to the statement as required by chapter six, sec. one hundred and three, Revised Statutes, and the duties imposed upon the secretary of a caucus by said section shall be performed by such ballot clerk. A suitable number of such statements shall be furnished at each voting place by the city or towns; if the number be insufficient, or none be furnished, the statement aforesaid may be sworn to as aforesaid and return thereof made in like manner as if the same had been subscribed. At the polling places in the cities and towns aforesaid each person applying to vote shall give his name, residence, party affiliation, and place of last enrollment, if any; if already enrolled in the precinct he shall be given a ballot of his party, his name shall be checked on the enrollment list; and he shall be admitted to the voting booth and vote. If not enrolled and then enrolled as hereinbefore provided, he shall be given a ballot of his party, checked and may vote as aforesaid. In plantations and towns having less than two thousand inhabitants, enrollment shall not be necessary and any voter, legally qualified to vote therein, shall, upon giving his name and party affiliation, be given a ballot of his party, his name checked upon the voting list and he shall be admitted to the voting booth and vote. No ballot shall be received containing any distinguishing mark or figures thereon other than as herein expressly permitted.

Voter must be enrolled. Exceptions.

Clerks must furnish certified lists of enrollment.

May enroll at polling places under certain conditions.

Sect. 14. Except as modified or superseded by this act, sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-nine, thirty, thirty-one, thirty-two and thirty-three of Chapter six, R. S., shall apply, so far as necessary thereto, to primary elections, except, however, that in designating his choice of candidates the voter shall mark a cross (X) in the square to the right of the name of each person that he desires to vote for, and

Ballots, how marked by voter.

the voter, if desirous of voting for any person whose name is not printed upon the ballot, may do so by writing or pasting such name or names in the blank spaces left therefor and marking a cross (X) to the right of such name or names.

Secretary of State must furnish blanks to clerks for return of votes.

Separate record for respective parties.

Returns shall be attested.

Clerks must report to Secretary of State within seven days.

Who shall preside at Primary elections.

Sect. 15. The Secretary of State shall seasonably furnish blanks for all voting places on which to make the returns required hereunder. The names of the candidates shall be printed thereon substantially as in the nominating ballot and in the space made for the purpose following each name shall be there entered the number of votes received in that polling place by each candidate. The ballots shall be sorted and the result declared in open plantation, town and ward meetings. Such record shall be separately made for the political parties respectively having proposed nominees upon the ballot and shall give the number of votes lawfully cast for each of the nominees thereon, following as near as practicable the order of the political parties; officers and nominees thereon, so as to give the detailed result of such voting. Returns thereof shall be attested by the selectmen and town clerk, in towns, and by the assessors and clerk in plantations, in like manner as at the biennial election for Governor. Such clerks shall cause the returns aforesaid to be delivered at the office of the Secretary of State, by mail or otherwise, within seven days after such primary election and if not so delivered within said seven days like proceedings shall follow as provided by Chapter six, sections fifty-five to fifty-eight, both inclusive, of the Revised Statutes. In cities, the warden shall preside, as required by law at state elections, receive the votes of all qualified voters present, and, as herein required in case of town meetings, sort, count and declare the results in open ward meetings, and in the presence of the ward clerk, who shall make return and a record thereof, as in towns, and a fair copy of the record shall be attested by the warden and the ward clerk, sealed up in open ward meeting and delivered to the city clerk, within twenty-four hours after the closing of the polls. And the aldermen of each city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in in the several wards, of which the city clerk shall make a record and a return thereof shall be made into the office of the Secretary of State in the same manner as selectmen of towns are required to do hereunder.

Sect. 16. The Governor and Council by the first Tuesday of July in each year in which a primary election is held hereunder, shall open and compare the votes so returned hereunder, and have the same tabulated, and may receive testimony on oath to prove that the return from any city, town or plantation does not agree with the record of the vote of such city, town or plantation, in the number of votes or the names of the persons voted for, and to prove which of them is correct; and the return, when found to be erroneous, may be corrected by the record. No such correction can be made without application within seven days after the returns are opened and tabulated, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said seven days any person voted for may personally, and by or with counsel, examine said returns in the presence of the Governor and Council, or either of them, or any member of the Council, or the Secretary of State. The person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office, provided, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the Secretary of State shall give notice to the several persons so having the highest and equal number of votes to attend at the office of the Secretary of State at a time to be appointed by said Secretary, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party with like effect as if there had been no such tie. To ascertain what persons have received the highest number of votes, the Governor and Council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the returns is misspelled or written with only the initial or initials of his christian name or names, or with wrong initials or otherwise as the case may be; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the voters and shall decide accordingly. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.

Returns tabulated
by Governor and
Council when.

How corrections
may be made.

Tie to be decided
by drawing lots.

Intention of voter
considered.

Defective return
may be corrected

Secretary of State
must notify suc-
cessful candidate.

The Secretary of State shall enter in a register of nominations, to be kept by him for the purpose, the nominations for each party so ascertained, and shall forthwith notify by registered mail each person who is so nominated.

Candidate must
file acceptance
within seven days.

Sect. 17. Every candidate, so nominated and notified as aforesaid, shall within seven days after the receipt of such notification, send to the Secretary of State, by registered mail the following acceptance:

To the Secretary of State:

I,, of, hereby accept the nomination to the office of, made at the primary election June, 19

Failure to file ac-
ceptance within
seven days to be
considered refusal.

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election and failure to file such acceptance within said seven days shall be deemed to be a refusal thereof.

Section 18. Each candidate, so nominated, shall, with such acceptance, send to the secretary of State the following return by him subscribed and sworn to:

RETURN OF EXPENDITURES.

Candidate must
file return of ex-
penditures.

To the Secretary of State:

I,, of, nominated for the office of, at the primary election held on June 19, on oath depose and say that the following is a true and perfect return of all expenditures by me made, or liabilities by me incurred for any purpose whatever, except my actual personal expenses for postage, telegrams, telephones, stationery, express and traveling, in connection with my said nomination, or the procurement thereof, before, at, or since said primary election.

The total amount thereof was \$

The aforesaid amount is made up of the following: \$

Printing \$

Clerk hire \$

Form of same.

of candidates appointed under the provisions of said chapter one hundred twenty-two shall, within fifteen days after the date of the primary election, make to the secretary of State the return required by this section of candidates, omitting only therefrom any sums expended by them for the actual personal expenses of the candidate for postage, telegrams, telephones, stationery, express, and travelling; and the form of the return shall be varied accordingly. Candidates who are their own political agents need not make a separate return in the latter capacity. Any political agent failing to make return within the time required, shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate.

Returns open to inspection for one year and then destroyed.

The returns aforesaid shall be open to public inspection for one year and then be destroyed. The failure of any candidate to file a return within the time required by this act, shall render his nomination void.

Penalty for incurring liability to aid in nomination of candidate without his consent.

Sect. 19. No person, firm or corporation shall directly or indirectly or by any device whatsoever pay any sum, or incur any liability, to procure or to aid in the procurement of the nomination of any candidate so to be voted for as aforesaid at any primary election without the knowledge and consent of such candidate. Whoever violates the provisions of this section forfeits five hundred dollars to be recovered by indictment.

U. S. senator must file return of expenditures or forfeit nomination.

Sect. 20. Candidates chosen for United States senators, as aforesaid, shall file like acceptances and make like returns. If any such candidate fails so to do, his nomination at the primary election shall be deemed to be void.

Limitation of expenses.

Sect. 21. The expenditures to be made, and liabilities incurred, for which returns are to be made as hereinbefore provided, shall not exceed in amount for each candidate the following: In case of nominations for any office to be filled by the voters of the state one thousand five hundred dollars, for members of Congress five hundred dollars, for state senators and county officers one hundred and fifty dollars for each ten thousand votes cast for governor within the county at the last preceding gubernatorial election or fraction thereof, for members of legislature in representative districts having three representatives or more, one hundred dollars, in other representative districts fifty dollars, for United States Senator one thousand five hundred dollars. When-

ever such expenditures and liabilities exceed the foregoing limitations, upon proof thereof to the satisfaction of the Secretary of State, after complaint, notice and hearing, or upon the admission of the fact by the candidate in his return, the finding of such fact by the Secretary of State, shall be deemed to be a withdrawal by such candidate and the vacancy shall be filled in like manner as if such candidate had filed a withdrawal in writing.

Failure to keep within legal limit deemed a withdrawal.

Section 22. In case any candidate, except for the United States Senate, who has been duly nominated as the result of any primary election hereunder, shall die before the day of the gubernatorial election, or shall withdraw in writing, or shall forfeit his nomination by failure to accept, or to file return, as provided in sections seventeen and eighteen, the vacancy may be supplied by the political party of such nominee by any convention of delegates or appropriate caucus, under the provisions of sections two, three, and seven of chapter six of the Revised Statutes, or if the time is insufficient therefor, then the vacancy may be supplied by the regularly elected state, congressional district, county, town, city, plantation or representative class committee, as the case may be, of such political party. The certificate of nomination, made for supplying such vacancy, shall state, in addition to the other facts required by this section, the name of the original nominee, the facts causing the vacancy and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the secretary of State, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.

In case of death or withdrawal of Candidate except for U. S. Senate.

How new name may be supplied on ballot.

Section 23. In case any nominee for United States senator, nominated hereunder, shall die before the meeting of the legislature at which such office is to be filled, or shall before that

In case of death or withdrawal of U. S. Senator.

time withdraw in writing, or shall forfeit his nomination by failure to accept or to file return, as provided in sections seventeen and eighteen, a State primary election shall be ordered by proclamation of the governor, at such date as he deems best, conforming as near as may be practicable to the provisions of this act, but in that event the governor in said proclamation shall fix the time within which and when the returns shall be received and the result declared. Candidates so chosen shall be subject to the provisions of this act regulating acceptances and returns by candidates for United States senator.

Sect. 24. When special elections are to be held for any office as required or permitted by law, primary elections for the nomination of candidates to be voted for thereat shall be held at such time as shall be ordered by the Governor by proclamation and, so far as practicable, all the provisions hereof shall be applicable thereto. Candidates so nominated shall file acceptances and returns of expenditures as hereinbefore provided.

Certain sections of Revised Statutes applicable.

Sect. 25. Except as modified or superseded by this act, and so far as the same may be necessary for the purposes hereof, and where not inconsistent herewith, chapter five of the Revised Statutes, and all acts additional thereto and amendatory thereof, are hereby made applicable to primary elections.

Sect. 26. Except as modified or superseded by this act, and so far as the same may be necessary for the purpose hereof, and where not inconsistent herewith, the following sections of chapter six of the Revised Statutes with all acts additional thereto and amendatory thereof, are hereby made applicable to primary elections and all doings, therefor, thereat or thereafter, for the purposes thereof and of this act; sections eleven, thirteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-four, sixty-one, sixty-two, sixty-three, sixty-four, seventy-five, seventy-six to one hundred, both inclusive, one hundred and eighteen to one hundred and twenty-two, both inclusive, and one hundred and thirty-three to one hundred and thirty-six, both inclusive.

Elections to be conducted as nearly as possible to biennial elections except where inconsistent.

Sect. 27. In construing the provisions of this act and of all sections of the Revised Statutes, with all acts additional thereto and amendatory thereof, hereby made applicable as aforesaid to the primary elections to be held hereunder and to all matters

herein contained before and after such primary election, material to the purposes thereof, they shall, as to the duties of officers, forms, blanks, ballots, elections, warrants, returns, and all other matters, so far as necessary for accomplishing the purposes of this act, be understood and interpreted as though said primary election is a separate election for each political party making its nominations hereunder, and to be conducted as to that party as nearly as practicable the same as the regular biennial state elections in September are conducted for all the electors except in so far as the manner of proceeding before, at and after said September election may be modified or changed by this act for the purposes of said primary elections. The provisions of this act do not modify or in any manner control the proceedings at the regular biennial state elections except in so far as they may be herein expressly and directly amended.

Sect. 28. All acts or parts of acts inconsistent herewith or contrary to the provisions of this act, are hereby repealed.

Former acts, inconsistent, repealed.

Sect. 29. Every political party entitled by law to representation upon the official ballot at state elections held biennially on the second Monday in September, or at any special election for state or county officers or for members of Congress or members of the legislature, shall nominate all its candidates for such offices, to be voted for at such elections, under the provisions of this act and not in any other manner.

All parties must comply with this act.

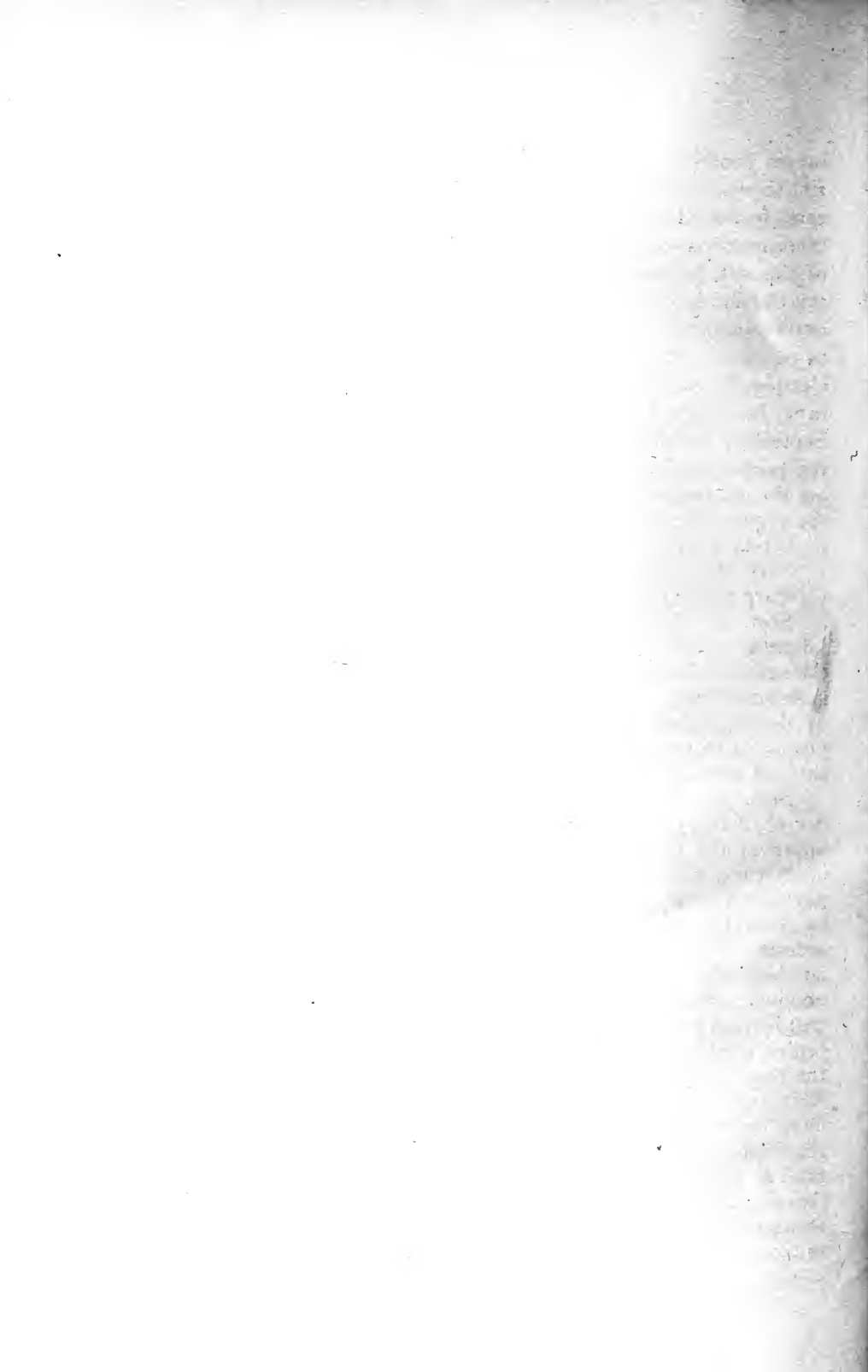
Sect. 30. All accounts for expenditures by the state hereunder shall be approved in the manner required by law and after approval the Governor and Council shall draw their warrant against any money in the treasury not otherwise appropriated in payment thereof.

Expenditures incurred by the state, how paid.

Section 31. There shall be provided or furnished by the secretary of State for each voting place or precinct at which an election is to be held, not less than sixty of each party primary nominating ballot for every fifty votes and fraction of fifty votes cast by that party in said voting place or precinct at the next preceding election, city, county, State or national, corresponding to the election for which said primary election is to be held and for which said ballots are provided. If the city, town or plantation clerk deems that more than the above number of ballots may be required by any party on account of an increased enrollment, he shall so certify, on or before the date for filing primary nomination papers, to the Secretary of State, who shall add the number so asked for to the number of primary nominating ballots sent to that city, town, or plantation.

Number of Ballots to be printed.

Extra ballots how obtained.





State of Maine

AN ACT CONCERNING CORRUPT PRACTICES AND ELECTIONS, CAUCUSES AND PRIMARIES

WITH AMENDMENTS TO DATE

JANUARY 1, 1914



Prepared under the Direction of the
Secretary of State

JANUARY 1, 1914

CHAPTER 122, PUBLIC LAWS OF 1911

As amended by chapter 153 of the Public Laws of 1913.

An Act Concerning Corrupt Practices at Elections, Caucuses, and Primaries.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The provisions of this act shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter six of the Revised Statutes and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council, or city council of any city.

Section 2. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of the

state, except that, in case the duties of such treasurer or political agent shall relate to any town, city or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with said secretary of the state. The treasurer of a representative-class committee shall file such writing with the town clerk of the town within which he resides. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasurership or political agency shall continue. Nothing in this act shall prevent the treasurer or political agent of any organization or candidate from being the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

Section 3. Any person nominated as a candidate for public office, or a candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this act; provided, however, that no person other than such a candidate shall, to aid or promote the success or defeat of any political party or principle, or of any candidate for public office, within six months prior to any such election make a contribution of money or property to any person other than to a treasurer or political agent. Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election.

Section 4. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his actual personal expenses for postage, telegrams, telephones, stationery, express, and traveling; but the provisions of this section shall not apply to non-partisan election and ante-election expenses paid for out of the public moneys of the State, or of any town, city or other municipality.

Section 5. Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for conventions,

public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and pasters; (d) of renting and furnishing rooms to be used by political committees, and for the reasonable entertainment and refreshment, exclusive of alcoholic beverages, of the members of such committee; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) of traveling expenses of political agents, committees and public speakers, and reasonable compensation to public speakers; (g) of necessary postage, telegrams, telephones, printing, newspaper advertising, express and conveyance charges. The term "conveyance charges" shall include the conveyance of electors to the polls. No treasurer or political agent shall incur any expense for any purpose not authorized by this section.

Section 6. Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, (other than the actual personal expenses of candidates enumerated in section four, which need not be returned), the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised. Any treasurer or political agent who shall fail to file such a statement within the time required, shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court. This section shall not apply to primary elections held under the provisions of the act adopted by the qualified voters of this State at the special election held September eleven, nineteen hundred and eleven, nor shall it apply to candidates who are their own political agents, the return required of such candidates under the provisions of section seven of this act being sufficient.

Section 7. Every candidate for public office, including candidates for the office of senator of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of the State, if a candidate for a senator of the United States, representative in Congress, or for any State or county office, State senator or representative in the legislature, but with the town clerk of the town in which he resides, if he was a candidate for a town, city, or ward office, an itemized, sworn statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises, or liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, and liabilities were made or incurred before, during or after such election, excepting, however, his actual personal expenses enumerated in section four, which he need not return. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, (other than said actual personal expenses), he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Fifteen days after any such election the secretary of the State or the town clerk, as the case may be, shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute such candidate for such offense. This section shall not apply to primary elections held under the provisions of the act adopted by the qualified voters of this State at the special election held September eleventh, nineteen hundred and eleven.

Section 8. All statements filed in accordance with the provisions of this act shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection.

Section 9. The secretary of the State shall, at the expense of the State, provide every town clerk with blank forms suitable

ble for the statements required to be returned to the secretary of State.

Section 10. No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement.

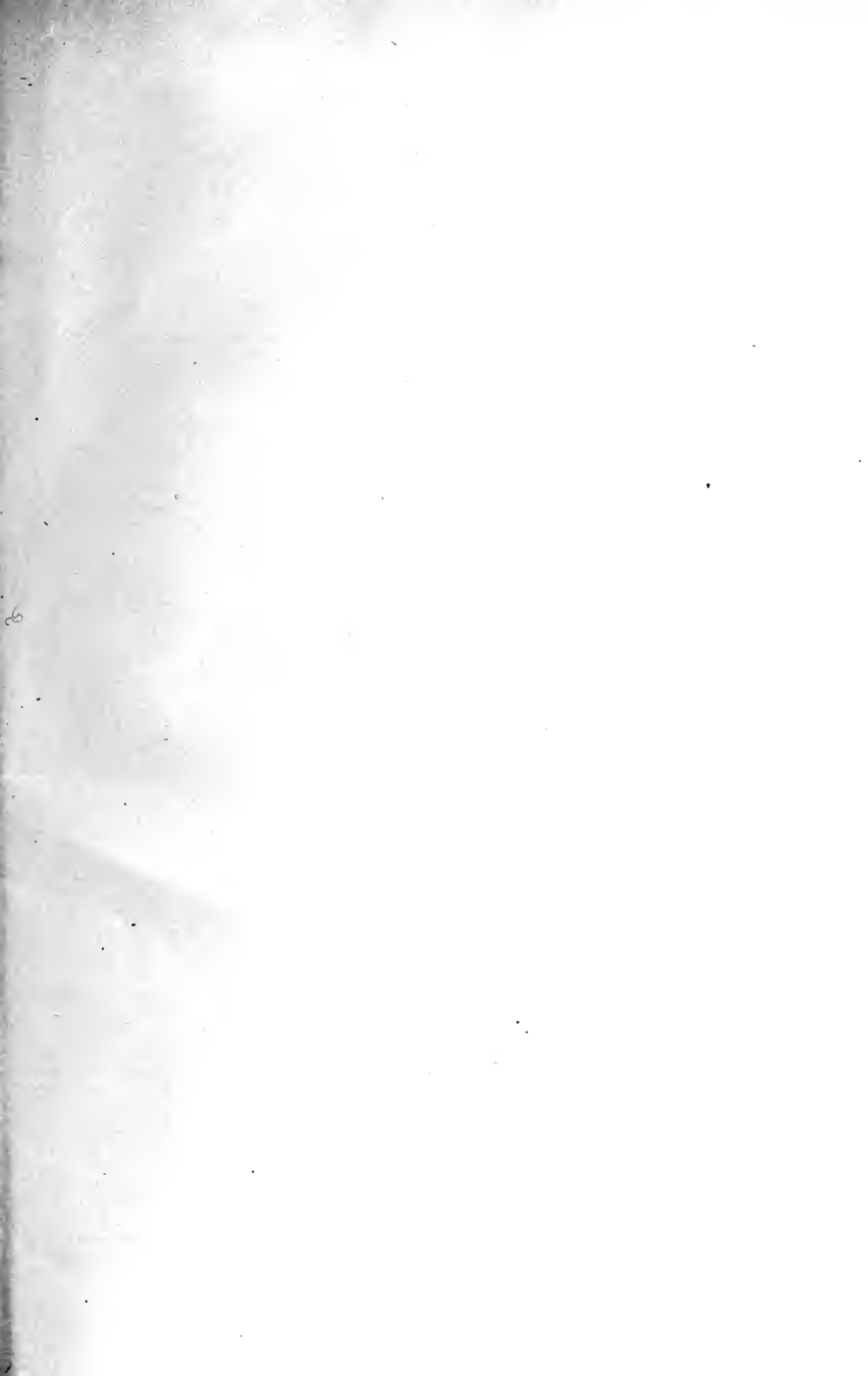
Section 11. The following persons shall be guilty of corrupt practices and shall be punished by a fine of not less than fifty nor more than two thousand dollars or by imprisonment for not less than thirty days, nor more than two years, or by both. (a) Every person who shall directly or indirectly receive, accept, request, or solicit from any person, committee, association, or organization or corporation any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any such election caucus, or primary election. (b) Every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election. (c) Every person, other than political committees, treasurers, and political agents, as defined in section two, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, or representative in Congress, or of any state, county, town, city, or ward office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election. But this subsection shall not be construed to permit political agents of candidates for the legislature to solicit contributions from candidates for the office of United States senator. (d) Every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing, to defray, or towards defraying, the cost or expenses of any campaign or election to

CORRUPT PRACTICES AT ELECTIONS.

any person, committee, company, club, organization, or association other than to a treasurer or political agent: but this subsection shall not apply to the actual personal expenses for postage, telegrams, telephones, stationery, express, or traveling incurred by any candidate for office or for nomination thereto.

(e) Every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument, provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office.

(f) Every person who shall, directly or indirectly by himself or through another person, make a payment or promise of payment to a treasurer or political agent, in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made.





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